

PROB 12B  
(7/93)

**United States District Court**

for the

**Eastern District of Washington**

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**AUG 25 2014**

SEAN F. McAVOY, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**

*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: Johnny Andres Asuncion

Case Number: 0980 2:07CR02064-001

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, Senior U.S. District Judge

Date of Original Sentence: November 9, 2007

Type of Supervision: Supervised Release

Original Offense: Distribution of a Controlled  
Substance - Methamphetamine, 21 U.S.C. § 841(a)(1)

Date Supervision Commenced: February 14, 2014

Original Sentence: Prison - 92 M; TSR - 48 M

Date Supervision Expires: February 13, 2018

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**PETITIONING THE COURT**

To modify the conditions of supervision as follows:

- 19 You shall complete 1 day of work crew with the Washington State Department of Corrections' Work Crew Program by September 30, 2014, or as directed by your supervising probation officer.

**CAUSE**

On August 4, 2014, Mr. Asuncion reported to the U.S. Probation Office and admitted to consuming alcohol and using methamphetamine on July 31, 2014. The defendant stated it was a poor choice on his part but said he only used that one time and has not used since. Several urinalysis have been collected from Mr. Asuncion since then, and all have tested negative. As a result of the aforementioned, the defendant's urinalysis testing has been increased accordingly. It should be noted this officer reviewed the cognitive model skill with the defendant and provided him with a handout on how thinking controls behavior.

Based on the above information, and as a correction action, the undersigned officer recommends Mr. Asuncion's conditions of supervision be modified, as noted above. Enclosed is a waiver signed by the defendant agreeing to the proposed modification should Your Honor concur.

Respectfully submitted,

by s/Jose Vargas

Jose Vargas  
U.S. Probation Officer  
Date: August 25, 2014

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Prob 12B

**Re: Asuncion, Johnny Andres**

**August 25, 2014**

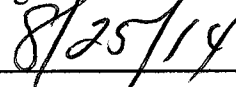
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THE COURT ORDERS

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other



Signature of Judicial Officer



Date

## United States District Court

### Eastern District of Washington

#### Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision


I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

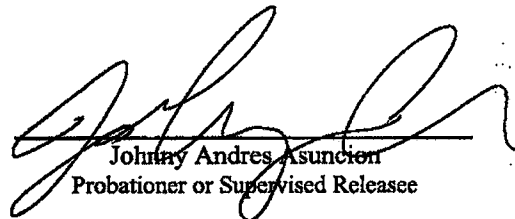
To modify the conditions of supervision as follows:

- 19 You shall complete 1 day of work crew with the Washington State Department of Corrections' Work Crew Program by September 30, 2014, or as directed by your supervising probation officer.

Witness:

  
Jose Vargas  
U.S. Probation Officer

Signed:

  
Johnny Andres Asuncion  
Probationer or Supervised Releasee

8-22-14  
Date